

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAIGE LARANN DEMARCE,

Defendant.

CR 15-82-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and Findings and Recommendations. Judge Johnston entered his Findings and Recommendations on April 20, 2018. Defendant admitted that she had violated the conditions of her supervised release: 1) by possessing a controlled substance; 2) by using a controlled substance; 3) by failing to report for substance abuse testing; and 4) by failing to participate in substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 5 months, with 28 months of supervised release to follow. Judge Johnston further recommended that the first 2 months of supervised release be spent in a treatment facility designated by the United States Probation Office.

Both parties waived their right to submit objections to Judge Johnston's Findings and Recommendations. Judge Johnston's Findings and Recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's Findings and Recommendations. Defendant admitted that she had violated the conditions of her supervised release. Defendant could be incarcerated for up to 36 months, followed by 30 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A custodial sentence of 5 months, followed by 28 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 124) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 24th day of April, 2018.

A handwritten signature in blue ink, reading "Brian Morris", is written over a horizontal line.

Brian Morris
United States District Court Judge